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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/823,385         | 04/12/2004             | James C. Earthman     | 9804-10                |

Eric K. Satermo  
 Registered Patent Agent  
 P.O. Box 19099  
 Irvine, CA 92623-9099

CONFIRMATION NO. 3364

## FORMALITIES LETTER



\*OC000000013073852\*

Date Mailed: 06/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/29/2004 HLE333 00000001 10823385

|            |           |
|------------|-----------|
| 01 FC:2001 | 395.00 OP |
| 02 FC:2202 | 207.00 OP |
| 03 FC:2051 | 65.00 OP  |

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 8,9,11,12a,12b,13,14a,14b,15,16.
  - The drawings must be made on paper that has a white background (see 37 CFR 1.84 (e)). For example, drawings on graph paper, lined paper, or paper that has a non-white background are not acceptable. See Figure(s) 7.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$207** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$657** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$207**
  - **\$207** for **23** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/17 (10-04)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 922.00)

**Complete if Known**

|                      |                   |
|----------------------|-------------------|
| Application Number   | 10/823,385        |
| Filing Date          | April 12, 2004    |
| First Named Inventor | James C. Earthman |
| Examiner Name        |                   |
| Art Unit             | 2577              |
| Attorney Docket No.  | 9804-10           |

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid    |
|----------------------------|----------------------------|------------------------|-------------|
| 1001 790                   | 2001 395                   | Utility filing fee     | 395.00      |
| 1002 350                   | 2002 175                   | Design filing fee      |             |
| 1003 550                   | 2003 275                   | Plant filing fee       |             |
| 1004 790                   | 2004 395                   | Reissue filing fee     |             |
| 1005 160                   | 2005 80                    | Provisional filing fee |             |
| SUBTOTAL (1)               |                            |                        | (\$ 395.00) |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 43                 | -20** = 23   | X 9            | = 207    |
| 3                  | -3** = 0     | X 44           | = 0      |
| Multiple Dependent |              |                |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |
| 1201 88                    | 2201 44                    | Independent claims in excess of 3                          |
| 1203 300                   | 2203 150                   | Multiple dependent claim, if not paid                      |
| 1204 88                    | 2204 44                    | ** Reissue independent claims over original patent         |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 207.00)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1051 130                   | 2051 65                    | Surcharge - late filing fee or oath  | 65.00    |
| 1052 50                    | 2052 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130                   | 1053 130                   | Non-English specification  |          |
| 1812 2,520                 | 1812 2,520                 | For filing a request for ex parte reexamination                            |          |
| 1804 920*                  | 1804 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*                | 1805 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 1251 110                   | 2251 55                    | Extension for reply within first month                                     |          |
| 1252 430                   | 2252 215                   | Extension for reply within second month                                    | 215.00   |
| 1253 980                   | 2253 490                   | Extension for reply within third month                                     |          |
| 1254 1,530                 | 2254 765                   | Extension for reply within fourth month                                    |          |
| 1255 2,080                 | 2255 1,040                 | Extension for reply within fifth month                                     |          |
| 1401 340                   | 2401 170                   | Notice of Appeal   |          |
| 1402 340                   | 2402 170                   | Filing a brief in support of an appeal                                     |          |
| 1403 300                   | 2403 150                   | Request for oral hearing   |          |
| 1451 1,510                 | 1451 1,510                 | Petition to institute a public use proceeding                              |          |
| 1452 110                   | 2452 55                    | Petition to revive - unavoidable   |          |
| 1453 1,330                 | 2453 665                   | Petition to revive - unintentional   |          |
| 1501 1,370                 | 2501 685                   | Utility issue fee (or reissue)   |          |
| 1502 490                   | 2502 245                   | Design issue fee   |          |
| 1503 660                   | 2503 330                   | Plant issue fee  |          |
| 1460 130                   | 1460 130                   | Petitions to the Commissioner  |          |
| 1807 50                    | 1807 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180                   | 1806 180                   | Submission of Information Disclosure Stmt                                  |          |
| 8021 40                    | 8021 40                    | Recording each patent assignment per property (times number of properties) | 40.00    |
| 1809 790                   | 2809 395                   | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 790                   | 2810 395                   | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 790                   | 2801 395                   | Request for Continued Examination (RCE)                                    |          |
| 1802 900                   | 1802 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 320.00)

**SUBMITTED BY**

|                   |                 |                                   |            |           |              |
|-------------------|-----------------|-----------------------------------|------------|-----------|--------------|
| Name (Print/Type) | Eric K. Satermo | Registration No. (Attorney/Agent) | 40,159     | Telephone | 949-752-9525 |
| Signature         |                 | Date                              | 10-25-2004 |           |              |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/823,385

Filing Date

April 12, 2004

First Named Inventor

James C. Earthman

Art Unit

2877

Examiner Name

Attorney Docket Number

9804-10

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):**Remarks**

Also enclosed is an Assignment with recordation cover sheet.

The attached fee is in the form of two checks in the amounts of \$657 and \$265.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Eric K. Saterno, Registered Patent Agent

Signature

Printed name

Eric K. Saterno

Date

October 25, 2004

Reg. No.

40,159

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Eric K. Saterno

Date

October 25, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Applicant: **James D. Earthman et al.**  
Title: **METHODS AND APPARATUS FOR DETECTING AND  
QUANTIFYING SURFACE CHARACTERISTICS AND MATERIAL  
CONDITIONS USING LIGHT SCATTERING**  
Serial No.: **10/823,385**  
Filed: **April 12, 2004**  
Art Unit: **2877**  
Agent's File Reference: **9804-10**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that on the date identified below, this correspondence and each paper listed below are being deposited in the above-identified application with the United States Postal Service with sufficient postage in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313:

October 25, 2004

*Date*

*Eric K. Satermo*

*Signature*

Eric K. Satermo

*Typed or printed name of person signing Certificate*

*Each paper attached or enclosed:*

1. Form PTO/SB/21—TRANSMITTAL FORM;
2. Form PTOSB/17—FEE TRANSMITTAL FOR FY 2005;
3. a check in the amount of \$657.00;
4. a check in the amount of \$265.00;
5. PETITION FOR EXTENSION OF TIME;
6. RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION;
7. a copy of the NOTICE TO FILING MISSING PARTS;
8. DECLARATION AND AUTHORIZATION OF AGENT (4 pages);
9. replacement drawing sheets numbered 1/11 to 11/11;
10. Form PTO-1595—RECORDATION FORM COVER SHEET;
11. ASSIGNMENT (3 pages);
12. COMBINED AUTHORIZATION OF AGENT AND STATEMENT UNDER 37 C.F.R. § 3.73(b);
13. a copy of ASSIGNMENT;
14. INFORMATION DISCLOSURE STATEMENT;
15. Form PTO/SB/08A— INFORMATION DISCLOSURE STATEMENT BY APPLICANT (2 pages); and
16. copies of five (5) non-patent references.



PATENT

Applicant: **James D. Earthman et al.**  
Title: **METHODS AND APPARATUS FOR DETECTING AND  
QUANTIFYING SURFACE CHARACTERISTICS AND MATERIAL  
CONDITIONS USING LIGHT SCATTERING**

Serial No.: **10/823,385**  
Filed: **April 12, 2004**  
Art Unit: **2877**

Agent's File Reference: **9804-10**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RESPONSE TO  
NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313

Sir:

A NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was issued in the above-identified application on June 25, 2004. A PETITION FOR EXTENSION OF TIME is filed herewith. Applicant submits herewith:

1. a copy of NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION;
2. an executed DECLARATION AND AUTHORIZATION OF AGENT (*4 pages*);
3. checks to cover the following fees:
  - a) the filing fee under 37 C.F.R. § 1.16(a);
  - b) the surcharge under 37 C.F.R. § 1.16(e); and
  - c) the excess claim fees under 37 C.F.R. § 1.16(c); and
4. replacement drawing sheets numbered 1/11 to 11/11.

Respectfully submitted,

---

Eric K. Satermo  
Registration No. 40,159

Dated: October 25, 2004

17744 Skypark Circle, Suite 295  
Irvine, California 92614  
Telephone: (949) 752-9525



PATENT

Applicant: James D. Earthman et al.  
Title: METHODS AND APPARATUS FOR DETECTING AND QUANTIFYING  
SURFACE CHARACTERISTICS AND MATERIAL CONDITIONS  
USING LIGHT SCATTERING

Serial No.: 10/823,385  
Filed: April 12, 2004  
Art Unit: 2877

Agent's File Reference: 9804-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMBINED AUTHORIZATION OF AGENT AND STATEMENT UNDER 37 C.F.R. § 3.73(b)

AUTHORIZATION OF AGENT

The undersigned hereby appoints:

Eric K. Satermo  
Registration No. 40,159  
17744 Skypark Circle, Suite 295  
Irvine, California 92614

as our agent to prosecute the application identified above and to transact all business in the United States Patent and Trademark Office and with all competent international authorities connected therewith. The undersigned is the assignee of record of the entire interest.

STATEMENT UNDER 37 C.F.R. § 3.73(b)

MetroLaser, Inc., a California corporation, states that it is the Assignee of the entire right, title, and interest in the patent application identified above by virtue of an Assignment from the inventors of the subject application. A copy of the Assignment is attached. The undersigned, whose title is supplied below, is empowered to sign this STATEMENT on behalf of the Assignee.

MetroLaser, Inc.

Dated:

28 July

, 2004

By:

  
Signature

Cecil F. Hess

Typed or Printed Name

President

Title